

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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|----------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CASE NO. DNCW3:04CR36-03 |
| |) | (Financial Litigation Unit) |
| ALAN JAY STEIN, |) | |
| |) | |
| and |) | |
| |) | |
| S&S PHARMACY SERVICES LLC, |) | |
| Garnishee. |) | |

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Answer of S&S Pharmacy Services LLC as Garnishee. On September 5, 2007, District Judge Richard L. Voorhees sentenced Defendant to six months incarceration on his conviction for Conspiracy to Defraud the United States in violation of 18 U.S.C. §§ 371, 1341 and 1343. Judgment in the criminal case was filed on September 26, 2007 (Docket No. 93). As part of that judgment, Defendant was ordered to pay an assessment of \$100.00 and restitution of \$14,038,382.30 to the victims of the crimes. *Id.*

On April 9, 2012, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 110) to Garnishee, S&S Pharmacy Services LLC ("Garnishee"). The United States is entitled to a wage garnishment of up to twenty-five per cent of net income and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant and Garnishee were individually served with the Writ on April 10, 2012. Garnishee filed an Answer on May 15, 2012 (Docket No. 113) stating that at the time of the service of the Writ, Garnishee had in their custody, control or possession property or funds owned by Defendant, including non-exempt disposable earnings.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby ENTERED in the amount of \$14,022,413.79 computed through April 6, 2012. Garnishee will pay

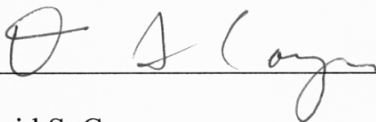
the United States twenty-five per cent of Defendant's net earnings which remain after all deductions required by law have been withheld, and one hundred per cent of all 1099 payments, and Garnishee will continue said payments until the amount is paid in full, or until Garnishee no longer has custody, possession or control of any property belonging to Defendant, or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:04CR36-03.

Plaintiff will submit this amount to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant would normally receive may be offset and applied to this amount.

SO ORDERED.

Signed: June 6, 2012

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

